

# CABINET

26 JANUARY 2024

## JOINT REPORT OF THE PORTFOLIO HOLDERS FOR: LEISURE AND PUBLIC REALM, PARTNERSHIPS, ASSETS AND ECONOMIC GROWTH, REGENERATION & TOURISM

### A.6 ADOPTION OF POLICY FOR EVENTS ON COUNCIL LAND

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To seek adoption of a policy in respect of applications for events held on Tendring District Council owned land.

##### **EXECUTIVE SUMMARY**

- Events make a major contribution to community cohesion and well-being. participation can raise horizons and aspirations, increase life chances, as well as provide positive activities that can divert antisocial behaviour.
- Events can be of concern to residents and neighbours and carry risks of damage to Property and other potential harms.
- Charging or otherwise for consent to third parties to hold events can be a source of discord.
- Event management should be robust to ensure events are delivered in accordance with Council policies and priorities.
- The policy if adopted will provide effective regulation and enforcement for events that will improve services to the community, promoting businesses and tourism.
- The policy provides guidance to support the Council to manage the difficult balance needed to maximise event benefits while minimising the challenges faced in holding them.

##### Effective planning and management of events using an agreed policy framework:-

- Maximises safety for those working and attending events.
- Ensures the promotion of Licensing Objectives.
- Ensures that events protect and enhance the environment, meeting community needs and promoting economic growth.
- Provides a framework for the application process to seek approval for outdoor events.
- Ensures pre-event consultation takes place.
- Maximises the opportunity for increased spending that makes a positive contribution to the local economy.
- Minimises any negative impact of events to the residents and businesses of the District.
- Sets out a scale of charges for events.

Supports the existing and future events programme(s) with events throughout the year to maximise the impact of events to Tendring's economy.

**RECOMMENDATION(S)**

It is recommended that:

1. Cabinet notes the report and adopts the Tendring District Council Open Space Event Policy for Council owned land, as set out in the Appendix, and authorises it to take immediate effect (subject to the call-in process); and
2. the Assistant Director (Building and Public Realm) be authorised to update the policy with any future legislative or best practice changes, in consultation with the relevant Portfolio Holders.

**REASON(S) FOR THE RECOMMENDATION(S)**

Adoption of a policy for events on council land will improve administration and efficiency associated with applications for events, provide a basis for setting fees and charges, reduce complaints concerning inconsistency of decisions made and increase clarity around the roles and responsibilities of both applicant and administrator.

**ALTERNATIVE OPTIONS CONSIDERED**

The Council could choose not to adopt a policy. This is not recommended – it would leave the service areas without a clear framework for decision-making and not generate the benefits outlined in the preceding section.

**PART 2 – IMPLICATIONS OF THE DECISION****DELIVERING PRIORITIES**

Establishing a clear policy around events is consistent with adopted Corporate Plan priorities:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Championing our local environment
- Working with partners to improve quality of life
- Financial sustainability and openness

**OUTCOME OF CONSULTATION AND ENGAGEMENT**

The proposed policy for applications for events on council land is a result of public feedback and discussion's with elected members in affected areas and the relevant Portfolio Holder.

This report provides an opportunity for further consultation and engagement concerning the policy content.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the	

	<p><b>Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b></p>	
<p><b>Section 120 of the Local Government Act 1972 provides general discretionary power for the Council to acquire and to hold land.</b></p> <p><b>Case law related to this discretionary power provides that the Council must control and manage land held in the interests of the area.</b></p> <p><b>Section 10 of the Open Spaces Act 1906 gives Councils power and responsibility to hold and administer open space and to exercise proper control and regulation of it</b></p> <p><b>Use of land by third parties exposed the Council to risk and it is important that these are adequately controlled and that agreements appropriately indemnify the authority as well as making clear what the rights and responsibilities of event holders are.</b></p>		
<p><b>YES</b></p>	<p><b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b></p>	
<p>Decisions made under the Policy will be published and provide the necessary information to record the reasons for the determination of the applications received.</p>		
<p><b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b></p>		
<p>There are no direct financial or resource implications arising from the proposal to adopt a policy for events on council land.</p> <p>However, the receipt of appropriate fees for events and ensuring the protection of council assets by means of security deposits / damage mitigation will ensure the Council is able to provide appropriate, adequate administration and support for events on council land.</p> <p>Adoption of a policy will improve efficiency around the administration of applications made to the Council and ensure that it meets its general fiduciary duties.</p>		
<p><b>YES</b></p>	<p><b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b></p>	
<p>No additional comments.</p>		
<p><b>USE OF RESOURCES AND VALUE FOR MONEY</b></p>		
<p>The following are submitted in respect of the indicated use of resources and value for money indicators:</p>		
<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>Adoption of a policy in respect of applications for events will provide for the setting of fees for applications and outline responsibilities and requirements for applicants. The policy if adopted will provide income from fees charged to offset costs associated with the administration of events as well as provide improved efficiency in administering applications.</p>	

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	The policy if adopted will help guide decision making for events on council land.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Refer to financial and other resource implications above.
<b>MILESTONES AND DELIVERY</b>	
Policy to be considered with this report. Review frequencies are identified in the policy itself.	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
Risks associated with non-adoption of a policy in respect of applications for events on council land are, reputational damage to the Council, inefficient administration of applications and risk of legal challenge around decisions made, loss of income and inability to receive compensation for damage caused by events. It is proposed to adopt a policy in order to facilitate consistent, robust decision-making.	
<b>EQUALITY IMPLICATIONS</b>	
The policy requires full consideration of the requirements for anyone with special needs arising from mobility, illnesses and home care requirements.	
The proposed policy does not affect the protected characteristics of any individuals in any other currently identifiable way.	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
Well managed events on council land will enhance the District and provide social value.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
The policy contains proposals for the promotion of sustainable events,	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b>	
<b>Crime and Disorder</b>	Regulation of events and associated requirements such as highway management, security arrangements will assist crime reduction and anti-social behaviour initiatives.
<b>Health Inequalities</b>	The policy supports and recognises the needs of people with special health requirements.
<b>Area or Ward affected</b>	All

### **PART 3 – SUPPORTING INFORMATION**

<b>BACKGROUND</b>
Consideration of applications for events on council land is currently the responsibility of the Council service that has responsibility for the land required for the event. The majority of events applied for are on open space land within the Building and Public Realm service and are

currently administered by the Council's Finance, Administration and Events Manager within Public Realm.

The number of applications has increased in recent years, with a number of royal milestones that has highlighted the need for, and benefits associated with clearer rules associated with event applications. Some specific events have been controversial.

The concerns noted have been associated with a lack of advanced coordinated planning and community engagement.

Applications to support larger events or more regular events of a commercial nature whether charitable, not for profit, or outright commercial as opposed to smaller community based events, requires clarification.

Increased administration and concerns have arisen from a lack of clarity around responsibilities associated with the applications and about the potential for legal challenges around decisions made to allow, or refuse requests for events on council land without a supporting policy.

The Council may also miss opportunities to receive compensation for events held on council owned land either by fees charged or from compensation for damage incurred.

#### **PREVIOUS RELEVANT DECISIONS**

On 17 October 2022 the Resources and Services Overview and Scrutiny Committee considered the prior decision to use the Greensward at Frinton to allow a series of performances by Frinton Summer Theatre. The Committee resolved that: "1. Notes that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and..."

On 4 November 2022 The Cabinet considered the recommendations of the Committee and resolved: "that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted..."

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

#### **APPENDICES**

Appendix – Tendring District Council Open Spaces Events Policy on Council owned land.

#### **REPORT CONTACT OFFICER(S)**

<b>Name</b>	<b>Andy White</b>
<b>Job Title</b>	<b>Assistant Director (Building and Public Realm)</b>
<b>Email/Telephone</b>	<a href="mailto:awhite@tendringdc.gov.uk">awhite@tendringdc.gov.uk</a> <b>01255 686933</b>